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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TN, JACKSON

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

RBP, LLC,

Plaintiff,

VS.

No. 04-1154 T/An

**GENUINE PARTS CO. and INDIANA
INSURANCE CO.,**

Defendants.

GENUINE PARTS CO.,

Third-Party Plaintiff,

VS.

**ALLIANZ GLOBAL RISK U.S.
INSURANCE CO. and LEXINGTON
INSURANCE CO.,**

Third-Party Defendants.

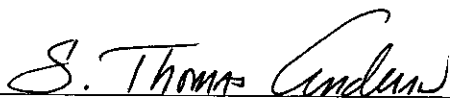
ORDER

Before the Court is Plaintiff's and Third-Party Defendant's Joint Motion to Set Aside Order Granting Plaintiff's Third Motion to Amend filed on July 6, 2005. On July 26, 2005, the Court held a hearing to determine whether sanctions should be imposed for Plaintiff's failure to properly consult with opposing counsel as required by the Local Rules for the Western District of Tennessee. After due consideration, the Court concludes that Plaintiff's counsel did consult with opposing counsel prior to filing the Motion to Amend, and the Court concludes that a clerical

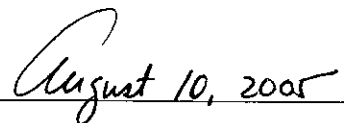
error prevented defense counsel from being served with a copy of the Third Motion to Amend.

For these reasons, sanctions are not appropriate in this matter.

IT IS SO ORDERED.



S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date:  _____



Notice of Distribution

This notice confirms a copy of the document docketed as number 125 in case 1:04-CV-01154 was distributed by fax, mail, or direct printing on August 11, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT